

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

THE MAGNAVOX COMPANY, a  
Corporation, and SANDERS  
ASSOCIATES, INC., a  
Corporation,

Plaintiffs,

v.

BALLY MANUFACTURING  
CORPORATION, a Corporation,  
CHICAGO DYNAMIC INDUSTRIES,  
INC., a Corporation, ATARI,  
INC., a Corporation, ALLIED  
LEISURE INDUSTRIES, INC.,  
a Corporation, EMPIRE  
DISTRIBUTING, INC., a  
Corporation, and MIDWAY MFG.  
CO., a Corporation,

Defendants.

Civil Action  
No. 74 C 1030

FIRST AMENDED COMPLAINT  
FOR PATENT INFRINGEMENT

1. This action arises under the patent laws of the United States, Title 35, United States Code. Jurisdiction of this Court is based on Title 28, United States Code, Section 1338(a).

2. Plaintiff The Magnavox Company is a corporation organized and existing under the laws of the State of Delaware.

3. Plaintiff Sanders Associates, Inc. is a corporation organized and existing under the laws of the State of Delaware.

4. Defendant Bally Manufacturing Corporation is a corporation organized and existing under the laws of the State of Delaware.

5. Defendant Chicago Dynamic Industries, Inc. is a corporation organized and existing under the laws of the State of Illinois.

6. Defendant Atari, Inc. is a corporation organized and existing under the laws of the State of California.

7. Defendant Allied Leisure Industries, Inc. is a corporation organized and existing under the laws of the State of Florida.

8. Defendant Empire Distributing, Inc. is a corporation organized and existing under the laws of the State of Illinois.

9. Defendant Midway Mfg. Co. is a corporation organized and existing under the laws of the State of Illinois.

10. On April 25, 1972, United States Letters Patent 3,659,284 issued to plaintiff Sanders Associates, Inc. as assignee of William T. Rusch for an invention in TELEVISION GAMING APPARATUS and since that date plaintiff Sanders Associates, Inc. has been and still is the owner of those Letters Patent.

11. On April 25, 1972, United States Letters Patent 3,659,285 issued to plaintiff Sanders Associates, Inc. as assignee of Ralph H. Baer, William T. Rusch, and William L. Harrison for an invention in TELEVISION GAMING APPARATUS AND METHOD and since that date plaintiff Sanders Associates, Inc. has been and still is the owner of those Letters Patent.

12. By an agreement entered into between plaintiff

Sanders Associates, Inc. and plaintiff The Magnavox Company effective January 27, 1972; plaintiff The Magnavox Company has been and still is the exclusive licensee under said United States Letters Patent 3,659,284 and 3,659,285 with the right to bring actions for infringement of said Letters Patent.

13. Defendants Chicago Dynamic Industries, Inc., Atari, Inc., and Allied Leisure Industries, Inc. have been for a long time past and still are separately and independently infringing said Letters Patent 3,659,284 and 3,659,285 by making, using and selling gaming apparatus embodying the subject matter of the claims of said Letters Patent and will continue to do so unless enjoined by this Court.

14. Defendants Bally Manufacturing Corporation, Empire Distributing, Inc., Midway Mfg. Co., and Atari, Inc. have been for a long time past and still are jointly infringing said Letters Patent 3,659,284 and 3,659,285 by making, using, and selling gaming apparatus embodying the subject matter of the claims of said Letters Patent and will continue to do so unless enjoined by this Court.

15. Defendants Bally Manufacturing Corporation and Empire Distributing, Inc. have been for a long time past and still are jointly infringing said Letters Patent 3,659,284 and 3,659,285 by selling gaming apparatus manufactured by others of the defendants herein as well as other parties and embodying the subject matter of the claims of said Letters Patent and

will continue to do so unless enjoined by this Court.

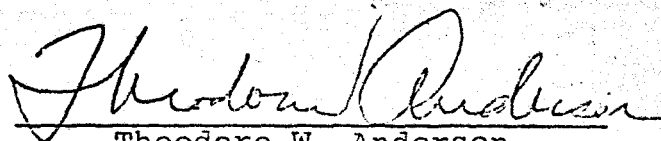
16. Defendants Bally Manufacturing Corporation, Empire Distributing, Inc., and Allied Leisure Industries, Inc. have been for a long time past and still are jointly infringing said Letters Patent 3,659,284 and 3,659,285 by making, using, and selling gaming apparatus embodying the subject matter of the claims of said Letters Patent and will continue to do so unless enjoined by this Court.

17. Each of defendant's infringements of said Letters Patent 3,659,284 and 3,659,285 were and are willful and with full knowledge of said Letters Patent.

18. Plaintiff has placed the notice prescribed at Title 35, United States Code, Section 287(a) on all gaming apparatus manufactured and sold by it under said Letters Patent 3,659,284 and 3,659,285 and has given written notice to defendants of said infringements of Letters Patent 3,659,284 and 3,659,285.

WHEREFORE, plaintiff demands a preliminary and final injunction against continued infringement of said Letters Patent 3,659,284 and 3,659,285 by each of defendants, an accounting of the damages to plaintiff and the profits to defendants caused by said infringements, an assessment of three times the damages and profits so determined, an award of reasonable attorney fees, and an assessment of interest and costs

against defendants.



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